

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

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**ELIZABETH H. SMITH,**

**Plaintiff,**

**v.**

**HARTFORD LIFE AND ACCIDENT  
INSURANCE COMPANY, and  
JOHN DOES 1-5,**

**Defendant.**

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**Case No. 3:23-cv-0017-MPM-RP**

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**AGREED ORDER GRANTING  
MOTION FOR PARTIAL DISMISSAL OF PLAINTIFF’S COMPLAINT**

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THIS DAY this civil action came before the Court upon Defendant Hartford Life and Accident Insurance Company’s Motion for Partial Dismissal of Plaintiff’s Complaint (doc. 9), and the Court, being advised that the parties have agreed to grant said motion, IT IS THEREFORE ORDERED AND ADJUDGED that the motion is granted and Count II of Plaintiff’s Complaint, asserting a claim for breach of fiduciary duty under 29 U.S.C. § 1132(a)(3), is hereby dismissed. Count I of Plaintiff’s Complaint, asserting a claim for benefits under 29 U.S.C. § 1132(a)(1)(B), remains pending.

SO ORDERED AND ADJUDGED, this the 16<sup>th</sup> day of May 2023.

/s/ Michael P. Mills  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF MISSISSIPPI

AGREED:

/s/ Richard D. Underwood  
Richard D. Underwood (#8533)  
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